

CHAPTER 9 CRIMINAL RULES

RULE 9.1 FILING OF MISDEMEANORS.

Except as ordered upon a showing of good cause, the complaint shall be presented to the clerk for filing not later than (i) 3:00 p.m. on the day before the defendant's first appearance, if the defendant is in custody; or (ii) 3:00 p.m. of the second calendar day preceding the date of first appearance, if the defendant is not in custody. The district attorney shall provide a copy of the complaint for distribution to the defendant at the time of arraignment.

Eff. Jul 1, 2001

RULE 9.2 FILING OF FELONIES.

Except as ordered upon a showing of good cause, the information or indictment shall be presented to the clerk for filing not later than 12:00 noon on the day before defendant's first appearance for arraignment on the Information.

Eff. Jul 1, 2001

RULE 9.3 COUNTER ARRAIGNMENTS IN MISDEMEANOR MATTERS.

Entry of plea, time waiver, and request to continue for pretrial in misdemeanor matters only can be handled through counter arraignment form (see Appendix A) for defendants represented by counsel. Counter arraignment forms must be received by the clerk no later than 3:00 p.m. the day before the scheduled arraignment.

Eff. Jul 1, 2001

RULE 9.4 TRIAL SETTING

All criminal trials will be set within sixty (60) days of arraignment unless good cause is shown for a later trial date.

Eff. Jul 1, 2001

RULE 9.5 TRIAL CONFIRMATION HEARING

All criminal matters set for jury trial will be set for trial confirmation hearing at least fourteen (14) days prior to trial. All other criminal trials, or probation revocation hearings, will be set for pretrial at least one day prior to date of hearing or trial. Confirmation of jury trial constitutes a representation by counsel that they are ready to proceed to trial. No continuance of the trial will be granted without compliance with Penal Code §1050 procedures.

Eff. Jul 1, 2001

RULE 9.6 PRETRIAL MOTIONS

All pretrial motions shall be set for hearing on or before the date set for trial confirmation hearing.

Eff. Jul 1, 2001

RULE 9.7 PRETRIAL CONFERENCE

A pretrial conference shall be set prior to trial. At least seven (7) days prior to the date set for pretrial, the District Attorney and defense counsel shall confer and discuss the issues to be addressed. Any offers which the District Attorney proposes to make at pretrial shall be disclosed to defense counsel at said conference. Defense counsel shall forthwith communicate any such offers to the defendant, and shall respond to the District Attorney's offer prior to the date scheduled for pretrial.

Eff. Jul 1, 2001

RULE 9.8 CRIMINAL DISCOVERY

Criminal Discovery shall be conducted pursuant to the provisions of the California Penal Code, and Case Law.

Eff. Jul 1, 2001